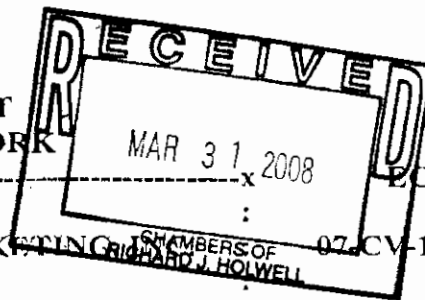


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



INTERNATIONAL TRADE & MARKETING, INC.
and FAGO'S PRODUCE,

Plaintiffs,

v.

JUNIPER TREE, INC. and YOUNG J. SUH,

Defendants.

ECF CASE

07-CV-10999 (RJH) (TK)

~~Corrected~~
ORDER GRANTING
PLAINTIFFS' MOTION FOR
ENTRY OF DEFAULT

JUDGMENT
USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/8/08

Upon consideration of the Motion for Entry of Default Judgment of the Plaintiffs, Declarations of Philip Delprete, Olga Franco, Lee Pakulsky and Carl E. Person dated March 21, 2008, and Carl E. Person dated March 28, 2008, the exhibits annexed thereto, the accompanying memorandum of law, and upon all prior papers and proceedings heretofore had herein, and there being no opposition thereto, and it appearing to the Court that Defendants Juniper Tree, Inc. ("Juniper") and Young J. Suh ("Suh") failed to plead or otherwise defend in this action; and that

A.. as to Plaintiff International Trade & Marketing, Inc. ("ITMI"), a principal balance in the amount of \$ 20,719.60 is due; and ITMI is entitled to statutory interest in the amount of \$1,164.85 (through March 28, 2008) ~~and reasonable attorneys' fees incurred in the amount of \$5,214.95, for a total of \$27,099.40; and~~

B.. as to Plaintiff Fago's Produce ("Fago's"), a principal balance in the amount of \$15,066.16 is due; and Fago's is entitled to statutory interest in the amount of \$847.02 (through March 28, 2008) and reasonable attorneys' fees incurred in the amount of \$3,792.02, for a total of \$19,705.20; and

* as provided for in Fago's invoices to Juniper Tree, see *Coosemans Specialties, Inc. v. Gargiulo*, 405 F.3d 701, 708-09 (2d Cir. 2007),

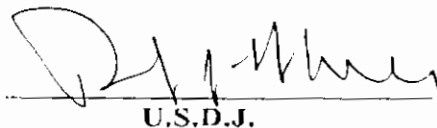
Plaintiffs' rights against Defendants are established under Section 5(c) of the Perishable Agricultural Commodities Act, 7 U.S.C. §499(e)(c) ("PACA"), it is hereby

ORDERED, ADJUDGED AND DECREED, that Plaintiffs' motion for entry of a default judgment be, and is hereby granted; and it is further,

ORDERED, ADJUDGED AND DECREED, that default judgment is hereby entered under PACA against Defendant, Juniper Tree, Inc., 1240 Oak Point Avenue, Bronx, New York 10474, and Defendant, Young J. Suh, 1240 Oak Point Avenue, Bronx, New York 10474, jointly and severally, in favor of (1) Plaintiff, International Trade Marketing, Inc., 220 Food Center Drive, Bronx, New York 10474, in the amount of ~~\$27,000.40~~ **\$21,884.45**; and (2) Plaintiff, Fago's Produce, 735 Drake Street, Bronx, New York 10474, in the amount of \$19,705.20; and it is further

ORDERED, ADJUDGED AND DECREED, that Defendants are enjoined from dissipating the assets in the statutory trust under which the Plaintiffs are perfected beneficiaries pursuant to the Perishable Agricultural Commodities Act ("PACA"), 7 U.S.C. §499(c), including without limitation ~~an order prohibiting Defendants from (A) selling, sub-leasing, granting, assigning or transferring any interest in any part of the real property located at 1240 Oak Point Avenue, Bronx, New York 10474 and (B) selling, assigning, transferring or otherwise disposing of any money, bank account deposits, inventory or other personal property owned or in the possession of Juniper or property transferred from Juniper and in the possession of Suh -~~ ^{or real} other than payments or property transfers made to the Plaintiffs or other bona fide PACA creditors of the Defendants;

ENTERED this 2 day of April, 2008.


U.S.D.J.

* to the extent that such property is ① a perishable agricultural commodity ② an inventory of food or other products derived from perishable agricultural commodities ③ proceeds from the sale of such commodities or products or ④ assets acquired with the proceeds of such commodities or products.